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October 29, 2024

Via ECF

Hon. Michael E. Farbiarz, U.S.D.J.
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Re: *Pearson Education, Inc. v. Chegg, Inc.* Case No. 2:21-cv-16866 (MEF) (AME)

Dear Judge Farbiarz:

This firm represents Defendant Chegg, Inc. ("Chegg") in the above-referenced matter. We write jointly on behalf of Defendant Chegg and Plaintiff Pearson Education, Inc. ("Pearson") in response to the Text Order entered yesterday regarding page limits for the parties' forthcoming summary judgment briefs (ECF 178), to provide an update regarding the parties' efforts to narrow the areas of dispute, and to request an updated briefing schedule for summary judgment and *Daubert* motions in order to facilitate mediation.

As Your Honor is aware, pursuant to a Scheduling Order entered by Special Master Linares (ECF 149), summary judgment and *Daubert* motions are currently due **October 31, 2024**. The Scheduling Order did not set deadlines for opposition or reply briefs.

In the Text Order (ECF 178), Your Honor denied the parties' request for page enlargements for summary judgment briefs due October 31, 2024, and directed them to submit by November 13, 2024, a joint letter explaining recent steps taken to narrow areas of dispute, which the Court would consider on subsequent requests for more pages. Given the impending deadline of October 31, 2024 for summary judgment motions and *Daubert* motions, the parties respectfully provide an update regarding steps taken and proposed to narrow areas of dispute now, prior to the November 13, 2024 deadline provided by Your Honor, so that the parties' update and new request may be considered by Your Honor prior to the next approaching deadline.

The parties have been engaged in productive discussions regarding the possibility of settlement throughout Fall 2024, as well as potential ways to narrow areas of dispute this week as the October 31 deadline has neared. While the parties were unable to materially narrow the areas of dispute at this time, they have agreed to mediate this dispute on November 20, 2024, before Hon. S. James Otero (Ret.), JAMS Mediator.

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In order to provide the parties an opportunity to focus their time and other resources on potential settlement of this case, or at least to materially narrow the issues in dispute, the parties have met and conferred again today and agreed upon the following proposed briefing schedule for motions for summary judgment and *Daubert* motions, and respectfully request that Your Honor adopt the below schedule:

- December 12, 2024: Affirmative motions
- January 29, 2025: Oppositions
- March 6, 2025: Replies

Pursuant to L. Civ. R. 6.1, the parties respectfully submit that the following requests for similar extensions have been obtained. On June 23, 2023, following submissions by the parties, the Special Master set a deadline of July 30, 2024 for filing motions for summary judgment and *Daubert* motions to facilitate continued discovery (ECF 141). For good cause shown, on January 2, 2024, the Special Master extended the July 30, 2024 deadline for filing motions for summary judgment and *Daubert* motions to October 31, 2024 again to facilitate discovery (ECF 149). However, this request differs from prior requests because this is the first request arising as a result of an attempt to resolve the dispute in a mediation involving the parties prior to expending additional party and judicial resources.

The parties further request that the present letter be accepted in satisfaction of Your Honor's October 28, 2024 Order. Upon conclusion of the upcoming mediation, and no later than December 6, 2024, the parties would be happy to provide Your Honor a further update regarding the efforts to resolve the present dispute, and in the event that the dispute is not resolved, the parties would propose to provide an update regarding whether the parties will seek to renew their prior request for an enlargement of the page limits set forth in L. Civ. R. 7.2(b) in connection with summary judgment.

With the hope that these scheduling requests are acceptable to the Court, we have included a "So Ordered" provision at the end of this letter. We thank the Court for its consideration and courtesies.


Respectfully submitted,

/s/ Marie L. Mathews

MARIE L. MATHEWS

cc: All Counsel of Record (via ECF)

SO ORDERED:

 October 29, 2024
HONORABLE MICHAEL E. FARBIARZ, U.S.D.J.